



The Federal Supreme Court (F S C) has been convened on 15.5.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed AL-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi, Aboud Salih Al-temimi, Michael Shamshon Qas Georges and Hussein Abbas Abu AL-Temman who authorized in the name of the people to judge and they made the following decision:

Plaintiff / (sin. mim. alif.) her agent (qaf. nun. kha.).

Defendant / Head of the House of Representatives/ being in this capacity his agent the Assistant Legal Counsel (heh. mim. sin.).

Claim:

The agent of the plaintiff claimed that the Minister of Labor and Social Affairs instituted the prima hold the case at the Court of First Instance Karkh No. (2980/beh/2017) request for confiscation of property No. (8/9011/ district (20) Al-dawdy) based on the decision of the Revolutionary Command Council dissolved No. (251) of 1986, the case is currently being heard by the Karkh Appeal Court, which is No. (221/sin/2017) which decided on 15/3/2018 to be considered redundant until the decision to challenge the unconstitutionality of the resolution mentioned by the FSC . The plaintiff claimed that the decision of the Revolutionary Command Council mentioned above is contrary to the constitution and requested its cancellation because the confiscation is not supported by the law and the constitution and it is the owner of the real estate and has the right to use and exploit it. The article (23) of the constitution forbids expropriation except for the public interest and the

decision of the dissolved Revolutionary Command Council referred to is unfair to its rights. The defendant/ being in this capacity was informed of the petition and its documents, and he replied to her by its list dated 17/4/2018, in which he requested to reject the case because it is void of its legal title and is outside the jurisdiction of the court and because the contested decision does not violate the constitution. The original case No. 2980/beh/2016 and its decision of 19/12/2018 . That land mentioned is free from the installations at the time of detection and despite the warning of the need to conduct the necessary but to no avail and that the case is still in front of the Court of appeal Karkh Federal- Appeals Board the first No. (221/sin/2017) which decided at 15/3/2018 has been delayed until the challenge is settled the appeal against the unconstitutionality of the decision of the Revolution Command Council (dissolved) was settled by the FSC and return the appeal to the mentioned court. On the appointed day of the pleadings, the plaintiff's agent attended and the defendant agent attended and the proceedings were initiated the public, the plaintiff's agent repeated the petition as the defendant's agent repeated pleading asked for the reject the case and, where nothing was left, the pleading was concluded and the court issued the following ruling in public.

The Decision :

For scrutiny and deliberated by FSC found that the plaintiff to challenge its claims before this court unconstitutional decision of the Revolution Command Council (dissolved) No. (251) issued in 23/3/1986 which is to confiscate the land that was acquired in the year 1993 which owned with price (central) for the purpose of establishing a nursery on it and through the duration of loans granted to it for this purpose. The plaintiff requests that the decision be unconstitutional because the confiscation is not permissible under article (23) of the constitution of the Republic of Iraq. The FSC fined from the study of the decision that the object of the challenge is that it stipulates ownership of those who want to own a specific piece of land for the purpose of establishing a nursery on it and at a (central) price. Therefore, the ownership of the

land belongs to the owner of the land, together with the implementation of the provisions of the resolution is a property under the condition of corrupt and settle only if implemented from the possession of that condition, otherwise, it must withdraw the piece of land from it and call the process of withdrawal or recovery by (confiscation). Therefore, the decision on the subject of the appeal came in parallel in his ruling and satisfied of the ownership of the land to him for its terms, including the restoration of this property in the event of failure to achieve its conditions. Therefore, he decided to reject the plaintiff's claim and to charge the expenses and fees of the defendant's attorney's attorney and the amount of one hundred thousand dinars and was issued by binding agreement based on the provisions of article (94) of the constitution and article (5/2nd) of the Law of the FSC No. (30) of 2005 and was publicly understood on 15/5/2018.